

October 26, 2016



U.S. Department  
of Transportation

East Building, PHH-30  
1200 New Jersey Avenue S.E.  
Washington, D.C. 20590

**Pipeline and Hazardous  
Materials Safety Administration**

DOT-SP 20276  
(SECOND REVISION)

**EXPIRATION DATE: 2018-09-30**

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Swagway LLC  
South Bend, IN
2. PURPOSE AND LIMITATIONS:
  - a. This special permit authorizes the manufacture, mark, sale, and use of non-DOT specification packaging for battery-powered vehicles. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
  - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.21(c) in that batteries which are likely to create sparks or generate a dangerous evolution of heat are forbidden, 49 CFR Subparts C through H of Part 172 in that shipping papers, marking, labeling, emergency response information, and training are required, and 49 CFR § 173.185(f) in that fiberboard outer packagings for recalled batteries are not authorized, except as provided herein.

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5. BASIS: This special permit is based on the application of Swagway LLC dated August 15, 2016, submitted in accordance with § 107.105, and the public proceeding thereon.
6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Battery-powered vehicle	9	UN3171	N/A

7. SAFETY CONTROL MEASURES: The recalled battery pack (158.4 Wh) in the balance hoverboard consists of 20 lithium ion 18650 cells and must be returned intact in the original packaging which is described in 7.c.
- a. OPERATIONAL CONTROLS -
- (1) Shipments are only authorized in support of a recall involving the X1, Hands-Free Smart Board (hoverboard) in response to a corrective action plan by the U. S. Consumer Product Safety Commission.
  - (2) Shipments of recalled lithium ion batteries contained in the battery powered vehicle or equipment are limited to the hoverboards from consumer customers to designated product return centers and Swagway, LLC facilities.
  - (3) Packages must be stored away from heat.
  - (4) Each shipment offered under the terms of this special permit must be accompanied by a document that includes the following:
    - (i) An indication that the package contains a lithium ion battery contained in a vehicle;
    - (ii) An indication that each package is to be handled with care and that a flammable hazard exists if a package is damaged;
    - (iii) An indication that special procedures must

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be followed in the event a package is damaged; and

(iv) A telephone number for additional information.

b. TESTING - The cells and battery pack in the recalled hoverboard product must have been initially tested to meet the requirements in the UN Manual of Tests and Criteria, 5<sup>th</sup> Revised Edition before distribution to consumers.

c. PACKAGING - The hoverboard must be shipped for return in the original packaging intact which consists of:

(1) Inner Packaging - Plastic bag containing not more than one (1) piece of the hoverboard surrounded by cushioning material that is non-combustible, non-conductive, and absorbent.

(2) Intermediate packaging - Fiberboard box containing not more than one (1) inner packaging.

(3) Outer Packaging - Corrugated carton containing not more than one (1) intermediate packaging and sealed by adhesive tape.

d. MARKING - Each package must be marked:

(1) With the special permit number, DOT-SP 20276, in accordance with § 172.301(c);

(2) With "Damaged/defective lithium ion battery" in accordance with § 172.304 and with the lithium battery handling marking conforming to § 173.185(c) (3); and

(3) With "FORBIDDEN FOR TRANSPORT BY AIRCRAFT OR VESSEL - GROUND SHIPMENT ONLY".

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this special permit for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this special permit.

b. A person who is not a holder of this special permit, but receives a packaging covered by this special permit, may

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reoffer it for transportation provided no modification or change is made to the packaging and it is offered for transportation in conformance with this special permit and the HMR.

c. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

d. Each packaging manufactured under the authority of this special permit must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Special Permits and Approvals for a specific manufacturing facility.

e. A current copy of this special permit must be maintained at each facility where the packaging is manufactured under this special permit. It must be made available to a DOT representative upon request.

f. Detailed closure, packing and shipping instructions must be provided to individuals preparing shipments under the terms of the special permit.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and rail freight.

10. MODAL REQUIREMENTS:

a. A current copy of this special permit must accompany packages covered by this special permit during transportation.

b. Shipments that are in transit to or from the customer under the first revision of this special permit are not required to carry the second revision, as long as the shipment is received by designated product return centers and Swagway, LLC facilities prior to November 30, 2016.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

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- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of

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this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for William Schoonover  
Acting Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at [http://hazmat.dot.gov/sp\\_app/special\\_permits/spec\\_perm\\_index.htm](http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm) Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: TG